

## **REMARKS**

Claims 1-22 are pending in this application. By this amendment, the Applicant has amended claims 1, 4, and 12 without prejudice. Support for the amended independent claims 1 and 12 may be found in the specification of the subject application (App. No. 10/800,414), in at least the following pages: page 26, lines 4-page 27, line 7. The Applicant respectfully submits that claims 1, 4, and 12 do not contain new matter and that the invention, as defined by claims 1-22 is patentable over the prior art.

Applicant first would like to thank the Examiner for the courtesy of holding an examiner interview on December 15, 2010. In light of the interview, Applicant is also submitting, with this response, a statement of the substance of the December 15, 2010 interview. During the interview, Applicant's representatives and the Examiner discussed proposed amendments to claim 1 including presenting alternate itineraries for a user having sufficient awards. In view of the amendments, the examiner indicated that the amendments were not of record in the cited prior art and therefore, would require further consideration and search for additional prior art. Entry of this statement of the substance of the examiner interview is respectfully requested.

### **I. THE 35 U.S.C. §103 REJECTIONS OVER PUGLIESE, QUACKENBUSH, BLOCK, ROUSTON, TRADER, AND LAMBERT,**

The Examiner rejected claims 1-5, and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Pugliese, et al., U.S. Pat. Pub. No. 2001/0016825 (hereinafter "Pugliese") in view of Quackenbush, et al., U.S. Pat. No. 6,512,964 (hereinafter "Quackenbush"), Block, et al., U.S. Pat. Pub. No. 2003/0055689 (hereinafter "Block") and Rouston, et al., U.S. Pat. Pub. No. 2001/0037243 (hereinafter "Rouston"). The Examiner also rejected claim 6 as being unpatentable over Pugliese, in view of Quackenbush, Block and Rouston, and further in view of

Trader et al., U.S. Patent No. 5,854,837 (hereinafter “Trader”). Further, the Examiner rejected claim 11 as being unpatentable over Pugliese in view of Quackenbush, Block and Rouston and further in view of Lambert, et al., U.S. Pat. No. 6,282,649 (hereinafter “Lambert”). Finally, the Examiner rejected claims 12-22 as being unpatentable over the combinations of Pugliese, Quackenbush, Block, Rouston, Trader and Lambert as applied against claims 1-11.

## **II. THE EXAMINER’S REJECTIONS SHOULD BE WITHDRAWN**

The Examiner rejected claims 1-5, and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Pugliese, Quackenbush, Block, and Rouston. The Examiner also rejected claim 6 as being unpatentable over Pugliese, Quackenbush, Block, Rouston, and Trader. Further, the Examiner rejected claim 11 as being unpatentable over Pugliese, Quackenbush, Block, Rouston, and Lambert. Finally, the Examiner rejected claims 12-22 as being unpatentable over the combinations of Pugliese, Quackenbush, Block, Rouston, Trader, and Lambert. Applicant respectfully disagrees and submits that the cited references do not teach or suggest all of the limitations of claims 1-22.

Referring initially to independent claims 1 and 12, which require similar limitations and are thus addressed together, Applicant respectfully submits that the cited references do not teach or suggest Applicant’s invention for a method of providing automated services, which requires, among other things, “querying an awards database to determine whether an awards account is associated with said user, and to determine whether said user’s awards account contains sufficient awards to entitle said user to access awards services”, acquiring itinerary data from said user upon a positive determination of said query of said awards database”, “providing to

said user an alternative itinerary for which said user's awards account contains sufficient awards", and "allowing said user to select said alternative itinerary."

Applicant's invention, as disclosed in the specification of the invention, is a novel system and method that allows a user to access an awards account, provide itinerary data, receive a plurality of itineraries, select an itinerary and book the itinerary using an awards account and/or payment. The invention also allows a user to provide baggage data to query a database for stored baggage information. (Page 10, line 10—page 15, line 13). Further, the invention allows a user to query an awards database to determine whether an awards account is associated with the user, and to determine whether the user's awards account contains sufficient awards to entitle the user to access awards services. (Page 26, line 4—page 27, line 7). The invention also provides an alternative itinerary for which the user's awards account contains sufficient awards. (Page 26, line 4—page 27, line 7). These limitations are anywhere in Pugliese, Quackenbush, Block, Rouston, Trader, and Lambert.

Pugliese describes a system for electronic authorization and validation of pre-scheduled activities such as airline reservations. Pugliese discloses that once a passenger makes a reservation, "the passenger is then issued a plastic I.D. card that may be used to access the computer for validation purposes." (Abstract). A passenger may make a reservation by speaking with a live operator via telephone (Paragraph 0011) or by using a plastic I.D. card at an ATM at the airport (Paragraph 0066-0067). To check bags, the passenger proceeds to a baggage handling station where an agent uses the passenger's plastic I.D. card at a computer terminal. (Paragraph 0013). The baggage agent tickets each bag and enters relevant information into the computer terminal. (Paragraph 0014). Importantly, Pugliese does not teach or suggest querying an awards database to determine whether an awards account is associated with the user, and to determine

whether the user's awards account contains sufficient awards to entitle the user to access awards services. Nor does Pugliese suggest an alternative itinerary for which the user's awards account contains sufficient awards.

Rouston discloses a computerized system for redeeming frequent flyer miles, including redemption for a free or discounted airline ticket. However, Rouston also does not teach or suggest querying an awards database to determine whether an awards account is associated with the user, and to determine whether the user's awards account contains sufficient awards to entitle the user to access awards services, or suggest an alternative itinerary for which the user's awards account contains sufficient awards.

Similarly, Quackenbush discloses a system in which an airline passenger's bags are picked up at the passenger's origin and delivered to the passenger's ultimate destination. (col. 1, line 60 – col. 2, line 16). The passenger can access a website to check the status of the baggage. (col. 3, lines 56-60). However, Quackenbush does not teach or suggest determining whether the user's awards account contains sufficient awards to entitle the user to access awards services nor suggest an alternative itinerary for which the user's awards account contains sufficient awards.

Further, Block discloses an "Internet accessed air travel management system" that includes a "web-based planning and reservation interface system and an interactive access device." (Abstract). Customers receive "access to the main website of the system" along with "access to numerous other websites for facilitating whatever travel arrangements the member wishes to make." (Paragraph 0010). A member may "log onto the system website" via personal computer, mobile telephone, or other communications device. (Paragraph 0010). Figures 1 and 2 of Block depict an Internet-based implementation. Block explains that "a computer 2 connected to a monitor 4, program memory 6, and input device 10, are necessary for providing

the website of the present system. The computer 2 is connected to the Internet 12 for permitting members or system users access to the main website of the system.” (Paragraph 0048). Block requires that a user enroll in the system by entering several categories of information, after which the user is presented a home page. (Paragraph 0050-0051). Block therefore discloses a web-based system accessed via a website. However, Block also does not teach or suggest determining whether the user’s awards account contains sufficient awards to entitle the user to access awards services nor suggest an alternative itinerary for which the user’s awards account contains sufficient awards.

Also, Trader discloses a system for providing interactive data exchange between an interactive platform including at least one operator and a caller. (Abstract). Trader teaches that a caller is transferred to an operator if upon submitting a request to be transferred for additional help or information. (Column 1, lines 23-25). However, Trader also does not teach or suggest determining whether the user’s awards account contains sufficient awards to entitle the user to access awards services nor suggest an alternative itinerary for which the user’s awards account contains sufficient awards.

Finally, Lambert discloses a system for providing control of access to stored data and electronically provided services. However, Lambert also does not teach or suggest determining whether the user’s awards account contains sufficient awards to entitle the user to access awards services nor suggest an alternative itinerary for which the user’s awards account contains sufficient awards.

In light of the remarks above, Applicant submits that the Pugliese, Quackenbush, Block, Trader, and Lambert, either individually or in combination, fail to disclose or suggest all of the

limitations of amended claims 1 and 12. The Examiner is respectfully requested to withdraw the 35 U.S.C. §103(a) rejection of independent claims 1 and 12.

Further, as claims 2-11 and 13-22 depend either directly or indirectly from independent claims 1 and 12 respectively, they contain all of the elements and limitations of the claim from which they depend. Claims 2-11 and 13-22 are therefore patentable over Pugliese, Quackenbush, Block, Rouston, Trader, and Lambert for at least the same reasons as independent claims 1 and 12. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §103(a) rejection of claims 2-11 and 13-22.

### **III. CONCLUSION**

Applicant submits that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

Respectfully submitted,



Date: February 7, 2011

Octavio DaCosta  
Reg. No. 62,110  
WARD & OLIVO  
380 Madison Avenue  
New York, New York 10017  
(212) 697-6262